

FAIRFAX COUNTY

ADULT PROTECTIVE SERVICES

This document includes statistical reports of the Department of Family Services' Adult Protective Services (APS) Program for Fiscal Year (FY) 2003 (July 1, 2002 through June 30, 2003).

FACTS ABOUT ADULT PROTECTIVE SERVICES IN FAIRFAX COUNTY

During Fiscal Year 2003, Fairfax County Adult Protective Services investigated 648 reports of alleged abuse, neglect or exploitation of adults. Of the 648 reports investigated, 359 (55%) were found to be in need of protective services. The 648 reports do not include reports of adults who were not abused, neglected and/or exploited, but in need of someone to arrange and coordinate services. Those were referred elsewhere--to other community agencies, to Department of Family Services' Adult Services, or to the Fairfax County *Care Network for Seniors* case management program.

Of the 648 persons in Fairfax County referred to APS:

- The profile of the typical APS client in Fairfax County is an elderly female who lives alone or with a relative.
- 42% live with a spouse or relative; 32% live alone.
- 23% live in institutional facilities. In Fairfax County, such facilities include nursing homes, adult care residences, group homes for persons with mental illness and mental retardation, and state institutions (Northern Virginia Mental Health Institute and Northern Virginia Training Center).
- 68% of APS clients are female; 32% are male.
- The majority of substantiated reports, 80%, involved some type of neglect--either caretaker neglect or self-neglect; 40% of these were substantiated for self-neglect. Abuse constituted 13% of substantiated reports. Exploitation constituted 7% of substantiated reports.
- The majority of APS clients were elderly, 83%, with 17 % of those referred being under the age of 60. The younger population has a wide range of chronic and debilitating illnesses including mental retardation, major mental illness, multiple sclerosis, brain and spinal cord injuries, cancer and AIDS.
- Eight (8) substantiated APS cases were a result of spouse or intimate partner abuse in FY 2003.

APS GUARDIANSHIP INFORMATION

During FY 2003, 13 guardians/conservators were appointed for individuals initiated by APS. Of the 13 appointed, 7 are attorneys, 5 are family members or friends, and 1 is a volunteer.

APS NURSING HOME INVESTIGATIONS

Of the 53 cases in nursing homes investigated by APS:

- 89% involved persons over 60 years of age;
- 81% of these were female; 19% were male;
- 49% of these cases were substantiated and found to be in need of protective services. (See Nursing Home Investigations Chart, page 6.)
- The greatest number of substantiated allegations in nursing homes (58%) was due to neglect by facility staff.

ADULT PROTECTIVE SERVICES IN VIRGINIA

Title 63.1 of the *Code of Virginia* establishes a protective services program for persons without regard to income who are aged and for adults who have a physical and/or mental incapacitation without regard to their age. Responsibility and authority to implement the provisions of the protective services program is assigned to local departments of social services. The statutory basis for the program is found in sections 63.1-55.1 through 63.1-55.7 of the *Code*. The Virginia Department of Social Services supports implementation of the Adult Protective Services code by providing training and technical assistance, case consultation and monitoring, and guidelines and procedures to local departments of social services. Some of the significant features of Virginia's APS program are described in the following paragraphs.

• *Populations Protected*

The APS Code extends protection to two populations of adults who are vulnerable to abuse, neglect, and exploitation. These populations are: (1) those whose vulnerability is related to impairments associated with advanced age; and (2) persons who are 18 years or older and whose vulnerability is related to impaired physical and/or mental health and/or physical disability. Persons are eligible for protective services without regard to income and without regard to whether the person lives in the community or in a group care setting.

- ***Philosophy of Adult Protective Services***

Adult abuse, neglect, and exploitation are primarily social problems and their resolution, for the most part, should be sought through the provision of social and medical services rather than through the legal system. When legal action is required, it is only considered after all other alternatives have been explored. The least restrictive means of intervention must be used.

Service delivery enhances supports and strengthens the adult's informal and formal support systems. The adult is the focus of service delivery and the worker attempts to preserve and protect his or her right to self-determination. The worker is an advocate for the adult.

- ***Reporting***

Certain persons who suspect that an older or incapacitated younger adult is abused, neglected, or exploited are required by the *Code of Virginia* to report what they suspect to the local department of social services. They are identified as mandated reporters. Anyone who is not required to report suspected abuse, neglect, or exploitation may choose to report and this report will be investigated. Reports may be made by calling the local department of social services or by calling the toll-free hotline at 1-888-83-ADULT.

The identity of all reporters is held confidential unless a reporter authorizes the disclosure of his/her identity or disclosure is ordered by the court. People who report are immune from criminal and civil liability unless the report is made in bad faith or with a malicious purpose. People who report may choose to remain anonymous.

The *Code of Virginia* provides for the imposition of a penalty on persons who are required to report and who are found guilty of failure to fulfill that responsibility.

- ***Investigations***

Every report of suspected abuse, neglect, or exploitation received by the local department of social services is reviewed to determine whether an investigation is required. Every *valid* report must be investigated to determine if the person named in the report needs protective services. If the situation reported is an emergency, an investigation will be initiated within 24 hours from the time the report was received. If the situation is not an emergency, the investigation will begin within five calendar days. If the investigation finds that the person needs protective services, a service plan is prepared and protective services are offered.

- ***Protection of Rights***

Adults retain the right to accept or refuse to accept protective services which are offered. The decision to accept or refuse services belongs exclusively to the adult unless the court orders

certain services to adults who are confronted with an emergency, are physically and/or mentally incapacitated, and who lack the capacity to consent to services needed to address the emergency, or, through the appointment of a guardian.

- ***Protection of Adults Who Lack Capacity***

Virginia law provides guidelines for Circuit Court intervention to protect abused, neglected, or exploited adults who lack the capacity to consent to receive services. When there is an emergency situation and the adult lacks the capacity to consent to protective services, the agency can request a court order to provide protective services without the consent of the adult.

Protective services may be provided through an emergency order for a period of five days only. The original order may be renewed once for an additional five days.

- ***Confidentiality***

Protective services records are confidential and not subject to the Virginia Freedom of Information Act. Limited disclosure of information contained in APS records is permitted only when reasonably necessary for conducting investigations by state or local government or for the provision of services to the person named in the report.

- Based on findings from the investigation, the APS worker may reach one of the three dispositions of the report:
 - Needs Protective Services – a review of the facts shows convincing evidence that adult abuse, neglect, and/or exploitation has occurred or is occurring; or there is reason to suspect that the adult is at risk of abuse, neglect, and/or exploitation and needs protective services in order to reduce the risk.
 - The Need for Protective Services No Longer Exists – The subject of the report no longer needs protective services. A review of the facts shows convincing evidence or provides reason to suspect that adult abuse, neglect, and/or exploitation has occurred; however, during the course of the investigation the person who is the subject of the report ceases to be at risk of further abuse, neglect, and/or exploitation.
 - Unfounded – A review of the facts shows no reason to suspect that abuse, neglect, and/or exploitation occurred or that the adult is at risk of abuse, neglect, and/or exploitation.

FAIRFAX COUNTY APS NURSING HOME INVESTIGATIONS
FISCAL YEARS 2000-2003

POPULATION	CATEGORY	FY2000	FY2001	FY2002	FY2003
AGE	60 YEARS OR OLDER	99%	97%	95%	89%
	YOUNGER THAN 60	1%	3%	5%	11%
SEX	FEMALE	86%	83%	87%	81%
	MALE	14%	17%	13%	19%
TYPE OF SUBSTANTIATED COMPLAINT ALLEGATION	ABUSE/STAFF	7%	8%	10%	23%
	ABUSE/FAMILY MEMBER	1%	2%	0%	4%
	ABUSE	0%	0%	0%	0%
	ABUSE/SELF	0%	0%	0%	0%
	NEGLECT/STAFF	85%	80%	78%	58%
	NEGLECT/FAMILY MEMBER	0%	0%	3%	0%
	SELF-NEGLECT	0%	0%	0%	0%
	EXPLOITATION/FAMILY MEMBER	7%	10%	9%	15%
	EXPLOITATION/ACQUAINTANCE	0%	0%	0%	0%
DISPOSITION OF INVESTIGATION	NEEDS AND ACCEPTS PS	44%	35%	44%	38%
	NEEDS AND REFUSES PS	0%	0%	0%	0%
	NO LONGER NEEDS PS	25%	20%	15%	11%
	UNFOUNDED	31%	45%	41%	51%

**FAIRFAX COUNTY
DEPARTMENT OF FAMILY SERVICES
ADULT PROTECTIVE SERVICES
STATISTICAL REPORT ON REPORTS/COMPLAINTS
FY 2003**

CATEGORY	FY 2003	%
REPORTS/COMPLAINTS	648	
NEEDS PROTECTIVE SERVICES/ACCEPTS	231	36%
NEEDS PROTECTIVE SERVICES/REFUSES	29	4%
NEED NO LONGER EXISTS	77	12%
UNFOUNDED	252	39%
AGED 60 AND OVER	535	83%
UNDER AGE 60	113	17%
IN NURSING HOME	58	9%
ADULT CARE RESIDENCES	51	8%
IN MENTAL HEALTH/MENTAL RETARDATION FACILITIES	37	6%
LIVING ALONE	209	32%
LIVING WITH SPOUSE/RELATIVE	271	42%
OTHER	21	3%

SOURCE OF REFERRALS FOR FAIRFAX COUNTY
ADULT PROTECTIVE SERVICES
From July 1, 2002 to June 30, 2003

SELF	14	2%
RELATIVE	97	15%
FRIEND/NEIGHBOR	42	6%
HOSPITAL/CLINIC	56	9%
PHYSICIAN/NURSE	28	4%
DEPARTMENT OF FAMILY SERVICES	41	6%
MR/MH FACILITY	52	8%
LAW ENFORCEMENT	44	7%
ANONYMOUS	14	2%
AREA AGENCY ON AGING	6	1%
CHURCH/CLERGY	3	1%
HEALTH DEPARTMENT	6	1%
COMPANION PROVIDER	7	1%
NURSING HOME STAFF	42	6%
A.L.F. STAFF (ASSISTED LIVING)	24	4%
HOME HEALTH AGENCIES	8	1%
ADULT DAY CARE	4	1%
OTHER	160	25%
TOTAL	648	100%

PROFILE OF PERSONS REPORTED FOR APS INVESTIGATIONS
FAIRFAX COUNTY
A COMPARISON OF FISCAL YEARS 2000-2003

CATEGORY	POPULATION	FY2000	FY2001	FY 2002	FY 2003
AGE	60 YEARS OR OLDER	80%	75%	79%	83%
	YOUNGER THAN 60	20%	25%	21%	17%
SEX	FEMALE	66%	68%	71%	68%
	MALE	34%	32%	29%	32%
LIVING ARRANGEMENT	WITH SPOUSE/RELATIVE	42%	41%	43%	42%
	LIVING ALONE	32%	36%	37%	32%
	ADULT CARE RESIDENCES	3%	4%	5%	8%
	NURSING HOMES	13%	10%	7%	9%
	MH/MR/SAS FACILITIES*	7%	8%	7%	6%
	OTHER	3%	1%	1%	3%
TYPE OF SUBSTANTIATED COMPLAINT Needs Protective Services	ABUSE	18%	16%	13%	13%
	NEGLECT	43%	41%	44%	40%
	EXPLOITATION	8%	8%	8%	7%
	SELF ABUSE/NEGLECT	31%	35%	30%	40%
DISPOSITION OF INVESTIGATION	NEEDS AND ACCEPTS PS	39%	40%	38%	36%
	NEEDS BUT REFUSES PS	8%	7%	6%	4%
	NO LONGER NEEDS PS	21%	17%	15%	12%
	UNFOUNDED	32%	36%	41%	39%
	PENDING				9%

*MH/MR/SAS Facilities” in the “Living Arrangement” category stands for Mental Health/Mental Retardation/Substance Abuse Services.